

PART XV. LOUISIANA CATFISH PROMOTION AND
RESEARCH PROGRAM

§558.1. Purpose

The provisions of this Part are intended to provide a voluntary method of raising revenues to be used for the purposes of developing markets for Louisiana catfish and for funding research and educational activities for the Louisiana catfish industry.

Acts 1990, No. 189, §1.

§558.2. Definitions

As used in this Part, the following terms shall have the following meanings ascribed to them:

- (1) "Board" means the Louisiana Catfish Promotion and Research Board.
- (2) "Catfish farmer" means a person who cultivates catfish.
- (3) "Catfish feed" means any substance that is manufactured or processed into a substantially different form than the raw materials and is sold for the purpose of feeding catfish.
- (4) "Commissioner" means the Louisiana commissioner of agriculture and forestry.
- (5) "Department" means the Louisiana Department of Agriculture and Forestry.
- (6) "Person" means any individual, corporation, partnership, association, or other legal entity.

Acts 1990, No. 189, §1.

§558.3. Louisiana Catfish Promotion and Research Board

A. The Louisiana Catfish Promotion and Research Board is hereby created within the Department of Agriculture and Forestry. The board shall be domiciled in Baton Rouge.

B. The board shall consist of the following nine members, eight members are appointed by the commissioner in accordance with the following provisions:

(1) Five members who are engaged in catfish farming appointed from a list of eight persons nominated by the Louisiana Catfish Farmers Association.

(2) Two members who are engaged in catfish farming appointed from a list of four persons nominated by the Louisiana Farm Bureau Federation.

(3) One member who has knowledge of the catfish farming industry, appointed from the state at large.

(4) The commissioner of agriculture and forestry or his designee shall serve as an ex officio member with the same rights and privileges, including voting rights, as other members.

C. Each appointment by the commissioner shall be submitted to the Senate for confirmation.

D. Members shall be appointed for terms concurrent with the term of the commissioner making the appointment. Members shall serve until their successors are appointed and sworn into office.

E. Vacancies in the offices of the members shall be filled in the same manner as the original appointments for the unexpired portion of the term of office vacated.

F. A majority of the members of the board shall constitute a quorum for the transaction of business. All official actions of the board shall require the affirmative vote of a majority of the members of the board.

G. Members of the board shall not receive any salary for their duties as members. Members may receive a per diem for each day spent in actual attendance of meetings of the board. The amount of the per diem shall be fixed in an amount not to exceed forty dollars. Members may receive a mileage allowance for mileage traveled in attending meetings. The mileage allowance shall be fixed by the board in an amount not to exceed the mileage rate for state employees.

H. The board shall meet quarterly and may meet on the call of the chairman. The board shall not receive per diem or mileage for more than twelve meetings in any calendar year.

I. The board, by a vote of a majority of the members, may expel a member for good cause shown. Good cause shall include but shall not be limited to three consecutive unexcused absences. The expulsion of a member creates a vacancy in the office of the expelled member.

Acts 1990, No. 189, §1; Acts 2008, No. 920, §1, eff. July 14, 2008.

§558.4. Officers and employees

A. The members of the board shall elect a chairman, a vice chairman, and such other officers as they deem necessary. All officers shall be members of the board.

B. The board may employ a director and an assistant director, who shall be appointed by the board subject to the approval of the commissioner. The board shall determine the amount of the funds which shall be used for salaries for personnel. The director and assistant director shall be in the unclassified service. The commissioner may employ such other personnel of the board as he deems appropriate. All employees of the board shall be under the direction and supervision of the commissioner.

Acts 1990, No. 189, §1.

§558.5. Administration

A. The board may adopt rules and regulations for the administration of this Part. All rules shall be adopted in accordance with the Administrative Procedure Act.

B. The commissioner shall administer and enforce the provisions of this Part in accordance with rules and regulations adopted by the board and shall collect the assessments authorized under this Part.

C. The board shall determine who shall receive grants for research and educational activities under the rules and regulations adopted pursuant to this Section.

Acts 1990, No. 189, §1.

§558.6. Assessments

Subject to all of the provisions of this Part, including the provisions relating to referenda and refunds, there is hereby levied and imposed an assessment of two dollars per ton of catfish feed sold in this state.

Acts 1990, No. 189, §1.

§558.7. Referendum

A. No assessment shall be levied or imposed unless the assessment is approved by a simple majority of the catfish farmers voting in a referendum held for that purpose.

B. If an assessment is approved in a referendum, it shall become effective on the thirtieth day after the results are promulgated.

C. Assessments may be renewed indefinitely in increments of five years if they are approved in referenda conducted in accordance with this Section.

D. In order to vote in a referendum for the assessment on catfish feed, the catfish farmer shall produce invoices or sales receipts to show that he has purchased at least five tons of catfish feed in the twelve months preceding the election.

E. All referenda shall be conducted by the department under the direction of the board.

F. The board shall notify the catfish farmers of the results of the referendum.

Acts 1990, No. 189, §1.

§558.8. Registration of manufacturers; reports

Each manufacturer who sells catfish feed in Louisiana shall register with the department. Each manufacturer shall submit a monthly report to the department showing the amount of catfish feed sold in Louisiana during that month. The monthly reports shall be submitted on or before the fifteenth day after each month.

Acts 1990, No. 189, §1.

§558.9. Collections

A. The assessments provided for in R.S. 3:558.6 shall be collected at the first point of sale in Louisiana. The person selling the catfish feed shall collect the assessments.

B. Each person who collects the assessments shall remit the collections to the department on or before the fifteenth day of each month for collections made during the previous month.

C. The board may impose a civil penalty for failure to collect and remit assessments in accordance with the provisions of this Section. Civil penalties shall be imposed in accordance with the following provisions:

(1) The civil penalty shall not exceed five hundred dollars per violation.

(2) Each day on which a violation occurs shall be considered a separate offense.

(3) Civil penalties may be assessed only by a ruling of the board based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

(4) The board may institute civil proceedings to enforce its rulings in the district court for the parish in which the violation occurred.

Acts 1990, No. 189, §1.

§558.10. Confidentiality

The information received by the department from the reports required by R.S. 3:558.8 and the collections required by R.S. 3:558.9 shall be confidential with respect to the person submitting the report and the person remitting the collections. The figures for the total amount of catfish feed sold and the total collections of each assessment shall be public record.

Acts 1990, No. 189, §1.

§558.11. Refunds

Each catfish farmer who purchases catfish feed may obtain a refund of the assessment by submitting a written request for a refund to the department within thirty days of date of purchase. Each request for a refund shall be accompanied by copies of invoices or sales receipts showing the amount of catfish feed purchased.

Acts 1990, No. 189, §1.

§558.12. Distribution of proceeds

A. On or before the last day of each month, the department shall transmit the refunds requested for the previous month and deliver the balance of the proceeds of the assessments to the board.

B. The department may retain the actual costs of collecting and transmitting the funds, not to exceed three percent of the gross amount of the funds collected from each assessment.

C. The board shall retain such amounts as are necessary for the administrative expenses of the board.

Acts 1990, No. 189, §1.

§558.13. Audits

The commissioner may audit the books and records of each person who is required to collect and remit the assessments provided for in this Part. The sole purpose of any audit conducted under the provisions of this Section shall be to determine if the assessments have been properly collected and remitted.

Acts 1990, No. 189, §1.